



HNH (305C)  
12/10/04

Application No.: 10/812,628  
Attorney Docket No.: 13DV-14043-5/11713 (21635-0096-1)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	O'HARA et al.	) Group Art Unit:	1742
Application No.:	10/812,628	) Examiner:	IP, SIKYIN
Filed:	March 29, 2004	) Atty Docket No.:	13DV-14043-5/11713 (21635-0096-1)

For: METHOD FOR SELECTING A REDUCED-TANTALUM SUPERALLOY  
COMPOSITION OF MATTER AND ARTICLE MADE THEREFROM

Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
OCT 19 2004  
LICENSING & REVIEW

**Petition for Acceptance of Declaration Under §305(c) of the National  
Aeronautics and Space Act**

Dear Sir/Madam:

A Thirty-Day Notice of a Requirement for Statement Under §305(c) of the Aeronautics and Space Act was allegedly mailed out by the United States Patent and Trademark Office ("USPTO") on August 9, 2004, for the above-referenced application. However, for reasons unknown to the applicants, no such Requirement for Statement Under §305(c) was ever received by the applicants. The applicants only became aware of an outstanding Notice while performing an Application Status check using the Patent Application Information Retrieval ("PAIR") system.

Attached is an executed Affidavit of Kerri Kirk, Administrative Assistant, and Kimberly A. Newell, Paralegal, attesting to the fact that the applicants did not receive any communication from the USPTO dated August 9, 2004, for the above-referenced application.

Application No.: 10/812,628

Attorney Docket No.: 13DV-14043-5/11713 (21635-0096-1)

The zip code currently associated with the USPTO Customer No. 31450 is incorrectly listed as 17108-5300 instead of the correct zip code 17108-1166. As such, the USPTO communication was probably inadvertently mailed to an incorrect address. Upon becoming aware of the incorrect zip code, the undersigned submitted a Request Data Change for Customer Number 31450 to change the associated zip code from 17108-5300 to 17108-1166.

As the applicants did not receive any communication from the USPTO dated August 9, 2004, for the above-referenced application, the applicants respectfully request the date of mailing of the Requirement for Statement Under §305(c) dated August 9, 2004, be waived or reset for the calculation of the thirty-day period under §305(c) because applicants only became aware of the Requirement for Statement Under §305(c) on October 4, 2004, the day upon which a PAIR status check was performed and the absence of the Requirement for Statement Under §305(c) was discovered.

Thus, the applicants respectfully request acceptance of the enclosed Declaration Under Section 305(c) of the National Aeronautics and Space Act of 1958 because applicants did not have an opportunity to respond to the Thirty-Day Notice of a Requirement for Statement Under §305(c) of the Aeronautics and Space Act in the prescribed thirty-day time period.


Application No.: 10/812,628  
Attorney Docket No.: 13DV-14043-5/11713 (21635-0096-1)

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully requested.

Dated: October 13, 2004

McNees Wallace & Nurick LLC

By:   
Jonathan P. Miller  
Reg. No. 48,483  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
Tel: (717) 237-5358  
Fax: (717) 237-5300

Attachments:

Declaration Under Section 305(c) of the National Aeronautics and Space Act  
of 1958 (3 pages)  
Requirement For Statement Under §305 of the Aeronautics and Space Act  
Declaration of Kerri Kirk  
Declaration of Kimberly A. Newell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	O'HARA et al.	)	Group Art Unit:	1742
		)		
Application No.:	10/812,628	)	Examiner:	IP, SIKYIN
		)		
Filed:	March 29, 2004	)	Atty Docket No.:	13DV-14043/11713 (21635-0096-1)

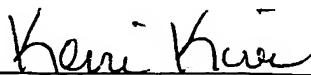
For: METHOD FOR SELECTING A REDUCED-TANTALUM SUPERALLOY  
COMPOSITION OF MATTER AND ARTICLE MADE THEREFROM

Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF KERRI KIRK**

I, Kerri Kirk, hereby state and declare as follows:

1. I have been an Intellectual Property Administrative Assistant with the law firm of McNees Wallace & Nurick LLC ("MWN") from May 19, 2003, to the present.
2. I have primary responsibility for the opening, reviewing and forwarding of all incoming mail from the United States Patent and Trademark Office ("USPTO") for the above-referenced application.
3. All patent correspondence from the USPTO related to the above-referenced applications is forwarded to me from the MWN mailroom.
4. Our procedure requires me to open all correspondence from the USPTO, make a copy, provide a copy to the responsible attorney, and provide a copy to our paralegal for entry into our docketing system.
5. I have no recollection of receiving, opening, reviewing or forwarding a Requirement for Statement Under §205(c) mailed August 9, 2004, from the USPTO regarding the above-referenced application.
6. I hereby acknowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon, and I hereby declare that all statements made in this declaration of my own knowledge are true and that all statements made on information and belief are believed to be true.

  
Kerri Kirk

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: O'HARA et al. ) Group Art Unit: 1742  
Application No.: 10/812,628 ) Examiner: Ip, Sikyin  
Filed: March 29, 2004 ) Atty Docket No.: 13DV-14043/11713  
(21635-0096-1)

For: METHOD FOR SELECTING A REDUCED-TANTALUM SUPERALLOY  
COMPOSITION OF MATTER AND ARTICLE MADE THEREFROM

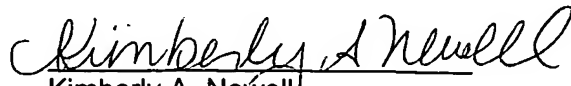
Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
OCT 19 2004  
LICENSING & REVIEW

DECLARATION OF KIMBERLY A. NEWELL

I, Kimberly A. Newell, hereby state and declare as follows:

1. I have been an Intellectual Property Paralegal with the law firm of McNees Wallace & Nurick LLC from March 29, 2004, to the present.
2. I have primary responsibility for the docketing and file maintenance of the above-referenced application.
3. A copy of all patent correspondence from the United States Patent and Trademark Office ("USPTO") has been forwarded to me for my review since June 1, 2004.
4. In accordance with our procedures, the paralegal is responsible for docketing correspondence into our docketing system.
5. I have no recollection of receiving or docketing a Requirement for Statement Under §205(c) mailed August 9, 2004, from the USPTO regarding the above-referenced application.
6. The Requirement for Statement Under §205(c) for the subject application, mailed August 9, 2004, is not entered in our docketing system.
7. Based on the above, I conclude that the Requirement for Statement Under §205(c) was not received by mail.
8. I hereby acknowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon, and I hereby declare that all statements made in this declaration of my own knowledge are true and that all statements made on information and belief are believed to be true.

  
Kimberly A. Newell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: General Electric Company )  
Serial No.: 10/812,628 ) Attn: LICENSING AND REVIEW  
Filed: March 29, 2004 )  
Title: METHOD FOR SELECTING A REDUCED-TANTALUM  
SUPERALLOY COMPOSITION OF MATTER AND ARTICLE  
MADE THEREFROM

DECLARATION UNDER SECTION 305(c) OF THE  
NATIONAL AERONAUTICS AND SPACE ACT OF 1958

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

We, Kevin Swayne O'HARA, William Scott WALSTON and Earl Warren ROSS,  
hereby declare:

That we are the inventors of the invention described and claimed in the above-  
referenced U.S. Patent Application;

That the invention was made while we were employed by the General Electric  
Company, the assignee of the subject invention, using only the resources of the  
General Electric Company, including, for example, its funds, facilities, materials,  
information, and services;

That the invention set forth in the above-referenced U.S. Patent Application was  
not made (conceived or first actually reduced to practice) under, nor is there any known  
relationship of the making of the invention to the performance of, any work under any  
contract of the National Aeronautics and Space Administration;

That we signed this declaration on the date we signed the form papers  
accompanying the filing of the above-referenced U.S. Patent Application with the

RECEIVED  
OCT 19 2004  
LICENSING & REVIEW

understanding that the attorney of record would later insert the appropriate serial number and filing date hereinabove before submitting this Declaration to the U.S. Patent and Trademark Office;

That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therein.

10-06-2004  
(Date)

Kevin Swayne O'Hara  
Kevin Swayne O'HARA

10-07-2004  
(Date)

William Scott Walston  
William Scott WALSTON

10/07/2004  
(Date)

Earl Warren Ross  
Earl Warren ROSS

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on October 13, 2004

Date

  
Signature

Kimberly A. Newell

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

**Transmittal Form**

Petition for Acceptance of Declaration Under §305 (c) of the National Aeronautics and Space Act (3 pages)

Declaration of Kerri Kirk (1 page)

Declaration of Kimberly A. Newell (1 page)

Declaration Under Section 305(c) of the National Aeronautics and Space Act of 1958 (copy of executed original, 3 pages)

Copy of Requirement For Statement Under §305 (c) of the Aeronautics and Space Act (1 page)

Return Receipt Postcard

Attorney Docket No.: 13DV-14043-5/11713 (21635-0096-1)

Application No.: 10/812,628 Filed: March 29, 2004

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
OCT 19 2004  
LICENSING & REVIEW





## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/812,628
Filing Date	March 29, 2004
First Named Inventor	O'HARA et al.
Art Unit	1742
Examiner Name	IP, SIKYIN
Total Number of Pages in This Submission	10
Attorney Docket Number	13DV-14043-5/11713 (21635-0096-1)

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <div>Remarks</div>	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Petition for Acceptance of Declaration Under §305(c) of the National Aeronautics and Space Act; Declaration of Kerri Kirk; Declaration of Kimberly A. Newell; Return Receipt Postcard; Certificate of First Class Mailing</b>
--	---	---

RECEIVED  
OCT 19 2004  
LICENSING & REVIEW

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	McNees Wallace & Nurick LLC Jonathan P. Miller
Signature	
Date	October 13, 2004

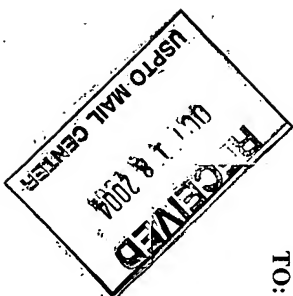
### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Kimberly A. Newell
Signature	
Date	October 13, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

OKOloff TAYLOR & ZAPATA, LLP  
NW AmberGlen Parkway  
Suite 230  
Beaverton, OR 97008



TO: MAIL STOP PETITION  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450



J&R

